

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the following remarks.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-3 are pending in this application. Claims 1 and 3 are independent.

### **II. REJECTIONS UNDER 35 U.S.C. §103**

Claims 1 and 3 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Number 6,339,676 B1 to Amada et al. (hereinafter, merely “Amada”) in view of U.S. Patent Number 6,075,920 to Kawamura et al. (hereinafter, merely “Kawamura”).

Claims 2 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Amada in view of Kawamura, and further in view of U.S. Patent Number 6,788,881 B1 to Kuroiwa et al. (hereinafter, merely “Kuroiwa”).

### **III. RESPONSE TO REJECTIONS**

Claim 1 recites, *inter alia*:

“...recording means for mixedly recording said first video data, said first audio data, said low-rate data, and time-sequential meta data and non-time-sequential meta data corresponding to the first video data and first audio data onto the disc-shaped recording medium...” (Emphasis added)

As understood by Applicant, Amada relates to an apparatus for recording and reproducing a digital video signal on and from a common recording medium by using the head

configuration common to the conventional one while maintaining exchangeability with the current analog VTR.

As understood by Applicant, Kawamura relates to a writable storage medium, and an apparatus and a method of recording and reproducing signals, such as, audio, video and bitmap video signals to and from the storage medium.

Applicant submits that neither Amada nor Kawamura, taken alone or in combination, teaches or suggests the above identified features of claim 1. Specifically, neither of the references used as a basis for rejection describe mixedly recording said first video data, said first audio data and said low-rate data, as recited in claim 1.

Firstly, the Office Action relies on Amada to describe recording standard play mode video data and long play mode video data. However, Applicant submits that in the Amada system, the digital recording mode selecting circuit 52 **selects one mode out of a plurality of modes** in accordance with a transmission bit rate of an inputted digital video and audio signal and delivers an output control signal CR2. **In the case of the long play mode**, the recording servo circuit 41 receives the output control signal CR2 to control the rotation speed R of rotary drum 5 to the second rotation speed R2 which is the same as that in the standard play mode and the transportation speed V of magnetic tape 6 to a transportation speed (V2/N) which is 1/N of the second transportation speed V2 in the standard play mode (See Amada Col. 13 line 33-55). Thus, **in Amada system, the recording mode selecting circuit switches the data play modes between the standard play mode and long play mode, so that the data of different modes are not mixedly recorded**, as described in present invention. Consequently, nothing has been found in Amada that would teach mixedly recording said first video data, said first audio data and said low-rate data, as recited in claim 1.

Secondly, on Page 3 of the Office Action, the Examiner contends that "Kawamura teaches recording means for mixedly recording time-sequential meta data and non-time-sequential meta data onto the recording medium (See, Kawamura, Fig. 1, and 3-5). However, Applicant submits that **in Kawamura all the recorded data is of the same format, which is different from the present invention, wherein the mixedly recorded data is of different formats.** In the present invention, as shown in Fig. 4, audio annual ring data, video annual ring data, auxiliary AV annual ring data, and time-sequential meta annual ring data are mixedly recorded in order from the inner rim side of the optical disc (See, Specification, page 20, paragraph [0052] and Fig. 4), and among the recorded data, the auxiliary AV annual ring data, which is low-rate audio/video data, is encoded by a plurality of different kinds of encoding systems (See, Specification, page 11, paragraph [0028]). Thus, **in the present invention, the video data, audio data and low-rate data, which is encoded by using different encoding parameters or different encoding systems, are mixedly recorded.** Consequently, nothing has been found in Kawamura that would teach mixedly recording said first video data, said first audio data and said low-rate data, as recited in claim 1.

Therefore, Applicant respectfully submits that neither Amada nor Kawamura teach or suggest mixedly recording said first video data, said first audio data and said low-rate data, as recited in claim 1.

Therefore, Applicant submits that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claim 3 is also patentable.

#### IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

#### CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

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In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

By: 

Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800